

109TH CONGRESS
2D SESSION

S. 3656

To provide additional assistance to combat HIV/AIDS among young people,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2006

Mrs. FEINSTEIN (for herself and Ms. SNOWE) introduced the following bill;
which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide additional assistance to combat HIV/AIDS among
young people, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “HIV Prevention for
5 Youth Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The President’s Emergency Plan for AIDS
9 Relief (in this Act referred to as “PEPFAR”) is an
10 unprecedented effort to combat the global AIDS epi-

1 demic, with \$9,000,000,000 targeted for initiatives
2 in 15 focus countries.

3 (2) The PEPFAR prevention goal is to avert
4 7,000,000 HIV infections in the 15 focus coun-
5 tries—most in sub-Saharan Africa where hetero-
6 sexual intercourse is by far the predominant mode of
7 HIV transmission.

8 (3) The PEPFAR strategy for prevention of
9 sexual transmission of HIV is shaped by 3 elements:
10 the ABC model, defined as “Abstain, Be faithful,
11 use Condoms”, the promotion of “abstinence-until-
12 marriage”, and deference to local prevention needs.

13 (4) The United States Leadership Against HIV/
14 AIDS, Tuberculosis, and Malaria Act of 2003 re-
15 quires that at least one-third of all prevention funds
16 be reserved for abstinence-until-marriage programs.
17 In implementing this requirement, the U.S. Global
18 AIDS Coordinator has required that 50 percent of
19 prevention funding be dedicated to sexual trans-
20 mission prevention activities. This requirement se-
21 verely limits countries from employing strategies for
22 the prevention of sexual transmission other than ab-
23 stinence, because the other sexual transmission pre-
24 vention programs under PEPFAR (such as the pur-
25 chase of condoms and management of sexually

1 transmitted infections) cannot exceed one-sixth of
2 the total prevention funds.

3 (5) The Government Accountability Office
4 (GAO) issued a report in April, 2006, “Spending
5 Requirement Presents Challenges For Allocating
6 Funding under the President’s Emergency Plan for
7 AIDS Relief”, that found “significant challenges”
8 associated with meeting the earmark for abstinence-
9 until-marriage programs.

10 (6) GAO found that a majority of country
11 teams report that fulfilling the requirement presents
12 challenges to their ability to respond to local epide-
13 miology and cultural and social norms.

14 (7) GAO found that, although some country
15 teams may be exempted from the abstinence-until-
16 marriage spending requirement, country teams that
17 are not exempted have to spend more than the 33
18 percent of prevention funds on abstinence-until-mar-
19 riage activities—sometimes at the expense of other
20 programs.

21 (8) Indeed, according to GAO, the proportion of
22 HIV prevention funds dedicated to “other preven-
23 tion” activities (i.e. the purchase and promotion of
24 condoms, management of sexually transmitted infec-
25 tions other than HIV, and messages or programs to

1 reduce injection drug use) declined from 23 percent
2 in fiscal year 2005 to 18 percent in fiscal year 2006
3 for country teams that did not receive exemptions.

4 (9) GAO found that, as a result of the absti-
5 nence-until-marriage spending requirement, some
6 countries have had to reduce planned funding for
7 Prevention of Mother-to-Child Transmission pro-
8 grams, thereby limiting services for pregnant women
9 and their children.

10 (10) GAO found that the abstinence-until-mar-
11 riage spending requirement limited or reduced fund-
12 ing for programs directed to high-risk groups, such
13 as services for married discordant couples, sexually
14 active youth, and commercial sex workers.

15 (11) GAO found that the abstinence-until-mar-
16 riage spending requirement made it difficult for
17 countries to fund medical and blood safety activities.

18 (12) GAO found that, because of the absti-
19 nence-until-marriage spending requirement, some
20 countries would likely have to reduce funding for
21 condom procurement and condom social marketing.

22 (13) In addition, GAO found that two-thirds of
23 focus country teams reported that the policy for im-
24 plementing the ABC model is unclear and open to
25 varying interpretations, causing confusion about

1 which groups may be targeted and whether youth
2 may receive the ABC message.

3 (14) GAO found that the ABC guidance does
4 not clearly delineate permissible C activities under
5 the ABC model. Program staff reported that they
6 feel “constrained” by restrictions on promoting or
7 marketing condoms to youth. Other country teams
8 reported confusion about whether PEPFAR funds
9 may be used for broad condom social marketing,
10 even to adults in a generalized epidemic.

11 (15) Each day, an estimated 13,400 people
12 worldwide are newly infected with HIV.

13 (16) Sub-Saharan Africa is home to almost
14 two-thirds of the estimated 40,000,000 people cur-
15 rently living with HIV.

16 (17) In many African countries, the epidemic
17 has spread among the general population. The HIV
18 prevalence rate for the general population is 8 per-
19 cent across sub-Saharan Africa. Among the United
20 States focus countries in sub-Saharan Africa, the
21 HIV prevalence rate ranges from 4 percent in Ugan-
22 da to 37 percent in Botswana.

23 (18) According to the Joint United Nations
24 Programme on HIV/AIDS, young people between
25 the ages of 15 and 24 are “the most threatened by

1 AIDS” and “are at the centre of HIV vulnerability”.
 2 Globally, this age group accounts for half of all new
 3 HIV cases each year. More than 7,000 young people
 4 contract the virus every day.

5 (19) Most young people in sub-Saharan Africa
 6 have sex before marriage during their adolescent
 7 years. In many countries, at least half of all women
 8 have sex before age 20 and before marriage. Among
 9 young men, more than 70 percent have premarital
 10 sex before age 20.

11 (20) Many adolescents, who are sexually active
 12 and not yet married, have inadequate information on
 13 how to protect themselves against HIV. Fewer than
 14 half of young people in sub-Saharan Africa mention
 15 abstinence, monogamy, or condom use as a way of
 16 avoiding HIV.

17 (21) Young people who have sex are at greater
 18 risk of acquiring HIV than adults, partly because of
 19 their lack of knowledge. They are apt to change
 20 partners frequently, have more than 1 partner in the
 21 same time period, or engage in unprotected sex.

22 (22) Coercion and sexual violence undercut the
 23 ability of young people—women in particular—to
 24 prevent HIV and contribute to the vulnerability to
 25 infection. In addition, gender inequality makes it

1 much more difficult for young women to negotiate
2 abstinence from sex or to insist that their partners
3 remain faithful or use condoms.

4 (23) Marriage does not protect young women
5 from HIV, even when they are faithful to their hus-
6 bands. In some settings, it appears marriage actu-
7 ally increases a woman's HIV risk. In some African
8 countries, married women aged 15–19 have higher
9 HIV infection levels than nonmarried sexually active
10 women of the same age.

11 (24) A recent USAID-funded review found that
12 sex and HIV education programs that encourage ab-
13 stinence but also discuss the use of condoms do not
14 increase sexual activity as critics of sex education
15 have long alleged. Sex education can help delay the
16 initiation of intercourse, reduce the frequency of sex
17 and the number of sexual partners, and also increase
18 condom use.

19 (25) Young people are our greatest hope for
20 changing the course of the AIDS epidemic. Accord-
21 ing to the World Health Organization, "Focusing on
22 young people is likely to be the most effective ap-
23 proach to confronting the epidemic, particularly in
24 high prevalence countries."

1 **SEC. 3. SENSE OF CONGRESS.**

2 It is the sense of Congress that sexually active young
3 people, both unmarried and married, who live in a country
4 where HIV infection is spreading through the general pop-
5 ulation, rather than being confined to specific populations,
6 such as sex workers and their clients, injecting drug users,
7 and men who have sex with men, and the rate of HIV
8 infection among people between the ages of 15 and 49 ex-
9 ceeds 1 percent should be—

10 (1) considered at high risk of contracting HIV
11 infection; and

12 (2) provided with the knowledge, skill-building
13 programs, and tools to protect themselves from HIV
14 infection, including—

15 (A) medically accurate information on pub-
16 lic health benefits and failure rates of multiple
17 strategies for eliminating or reducing the risks
18 of contracting HIV and other sexually trans-
19 mitted infections; and

20 (B) information about correct and con-
21 sistent use of condoms as well as abstinence
22 and the importance of reducing casual sexual
23 partnering.

1 **SEC. 4. ALLOCATION OF FUNDS.**

2 Section 403 of the United States Leadership Against
3 HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22
4 U.S.C. 7673) is amended—

5 (1) in subsection (a), in the second sentence, by
6 striking “HIV/AIDS prevention” and inserting “pre-
7 vention of the sexual transmission of HIV”; and

8 (2) by adding at the end the following new sub-
9 section:

10 “(c) **ABSTINENCE-UNTIL-MARRIAGE PROGRAMS.**—
11 The term ‘abstinence-until-marriage programs’ means
12 programs that place the highest priority on encouraging
13 individuals who have not yet married to abstain from sex-
14 ual activity, which if practiced 100 percent correctly and
15 consistently is the only certain way to protect against ex-
16 posure to HIV and other sexually transmitted infections.
17 The programs include information on the health benefits
18 of delayed sexual debut in reducing the transmission of
19 HIV and may be used to support the wide range of ap-
20 proaches that promote skill-building strategies for prac-
21 ticing abstinence.”.

22 **SEC. 5. ASSISTANCE TO YOUNG PEOPLE.**

23 Section 104A(d)(3) of the Foreign Assistance Act of
24 1961 (22 U.S.C. 2151b–2(d)(3)) is amended—

25 (1) in subparagraph (A), by inserting “sexually
26 active young people, both unmarried and married,

1 who live in a country experiencing a generalized HIV
2 epidemic,” after “infected with HIV/AIDS,”; and

3 (2) by adding at the end the following new sub-
4 paragraph:

5 “(C) In subparagraph (A), the term ‘general-
6 ized epidemic’ means, with respect to a country,
7 that—

8 “(i) HIV infection is spreading through the
9 general population of such country, rather than
10 being confined to specific populations, such as
11 sex workers and their clients, injecting drug
12 users, and men who have sex with men; and

13 “(ii) the rate of HIV infection among peo-
14 ple between the ages of 15 and 49 exceeds 1
15 percent.”.

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